



WILLIAM T FUJIOKA  
Chief Executive Officer

County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

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*"To Enrich Lives Through Effective And Caring Service"*

Board of Supervisors  
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February 04, 2014

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**RECOMMENDATION TO PROVIDE LEGAL REPRESENTATION  
FOR ONE CLINICAL PSYCHOLOGIST IN THE CHIEF EXECUTIVE OFFICE  
FOR ADMINISTRATIVE PROCEEDINGS BROUGHT BY THE  
CALIFORNIA BOARD OF PSYCHOLOGY  
(ALL DISTRICTS) (3-VOTES)**

**SUBJECT**

Request to provide legal representation for one clinical psychologist in the Chief Executive Office for administrative proceedings brought by the California Board of Psychology.

**IT IS RECOMMENDED THAT THE BOARD:**

Provide legal representation for one clinical psychologist for administrative proceedings brought by the California Board of Psychology.

Find that the administrative proceedings are brought on account of acts or omissions in the scope of the clinical psychologist's employment as an employee of the County of Los Angeles (County) Chief Executive Office.

Find that the defense of the clinical psychologist would be in the best interest of the County.

Find that the clinical psychologist acted in good faith, without actual malice, and in the apparent interest of the County.

Direct County Counsel to secure legal representation, at the County's expense, for the clinical psychologist in the Chief Executive Office.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

This office is seeking Board approval to provide legal representation for one clinical psychologist who has been requested to respond to a California Board of Psychology inquiry regarding alleged conduct with an applicant for a position with the County during the process of a pre-placement psychological evaluation. Based on the psychological tests conducted, the interview, and the applicant's response, the decision was made to disqualify the applicant. The applicant subsequently filed a complaint with the California Board of Psychology.

The County's Chief of Psychological Services has reviewed the specific allegations in this case and confirms that the actions taken and the questions asked were appropriate and necessary in order to conduct a thorough psychological evaluation.

The clinical psychologist is employed by the County and was acting in the course and scope of his employment. Our review reveals no indication that the clinical psychologist acted in bad faith or with actual malice. Rather, it appears that the clinical psychologist acted in good faith, without actual malice and in the apparent interests of the County.

It is necessary to quickly and aggressively respond to the inquiry in order to ensure its appropriate resolution. The California Board of Psychology requires a response by February 10, 2014.

### **Implementation of Strategic Plan Goals**

The recommended action supports the County's Strategic Plan Goal No. 1, Operational Effectiveness, by ensuring that the committed efforts of our staff are recognized and defended when challenged.

### **FISCAL IMPACT/FINANCING**

The cost for providing legal representation should not exceed \$20,000 for the clinical psychologist. Funds will be allocated from the Chief Executive Office's existing operating budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Government Code Section 995.6 provides that the County is not required to provide for the defense of an administrative proceeding brought against a County employee, but the County may provide for such defense if:

The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and

The public entity determines that such defense would be in the best interests of the public entity and that the employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

None.

**CONCLUSION**

This office recommends that the Board find that the clinical psychologist acted in good faith, without actual malice, and in the apparent interests of the County and that his representation before the California Board of Psychology is in the best interests of the County. This office further recommends that the Board direct County Counsel to secure legal representation for the clinical psychologist at the County's expense.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a stylized flourish and a horizontal line.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:BC

STR:SEN:sg

c: Executive Office, Board of Supervisors  
County Counsel